

Philadelphia County Med-Soc —

REPORT OF THE DELEGATES

FROM THE

PHILADELPHIA COUNTY MEDICAL SOCIETY

TO THE 37TH ANNUAL MEETING

OF THE

AMERICAN MEDICAL ASSOCIATION;

WITH THE

RESOLUTIONS OF THE PHILADELPHIA COUNTY MEDICAL
SOCIETY IN RELATION THERETO.

PUBLISHED BY ORDER OF THE SOCIETY.



PHILADELPHIA:

WM. F. FELL & CO., PRINTERS,

Nos. 1220-24 SANSOM STREET.

1886.

PHILADELPHIA, May 19th, 1886.

At a special meeting of the Philadelphia County Medical Society, held May 18th, 1886, the delegates of the Society to the Thirty-seventh Annual Meeting of the American Medical Association submitted their report, which was received.

Dr. D. Hayes Agnew offered a series of resolutions, which were adopted.

The following resolution was then carried, by a vote of 137 in the affirmative to 24 in the negative:—

“Resolved, That the report of the delegates to the Thirty-seventh Annual Meeting of the American Medical Association be adopted, as expressing the views of this Society; and that copies thereof, together with the resolutions offered by Dr. Agnew and duly adopted, be sent to the members of this Society, to the officers of the American Medical Association for 1886 and 1887, to the members of the Judicial Council of the American Medical Association for 1886 1887, and to the officers and permanent members of the Medical Society of the State of Pennsylvania, before the June meeting of the latter Society.”

The following resolution was also adopted:—

“Resolved, That this Society approves the conduct of its delegates at St. Louis, and returns its thanks to the said delegates.”

In accordance with the instructions of the Society, this pamphlet, embodying the report and resolutions referred to, has been printed and distributed.

By order of the Philadelphia County Medical Society.

S. SOLIS-COHEN,

Recording Secretary.

REPORT OF THE DELEGATES
OF THE
PHILADELPHIA COUNTY MEDICAL SOCIETY TO THE
THIRTY-SEVENTH ANNUAL MEETING OF THE
AMERICAN MEDICAL ASSOCIATION,
AT ST. LOUIS, MO.

MAY 4TH, 5TH, 6TH, AND 7TH, 1886.

Before leaving Philadelphia, meetings of the delegation were held. The resignations of Drs. Harrison Allen, L. A. Duhring, Chas. H. Burnett, W. W. Keen, A. G. B. Hinkle, L. W. Steinbach and W. L. M. Ziegler, were received and accepted, and the vacancies so created filled by the election of Drs. John B. Roberts, Wm. Thomson, H. F. Beates, Jr., L. Webster Fox, L. D. Judd and Edward Jackson. Dr. Wm. Pepper was chosen temporary chairman, Dr. D. Hayes Agnew permanent chairman, and Dr. John B. Roberts vice-chairman. Propositions which it was hoped might lead to professional harmony on the questions arising in connection with the organization of the Ninth International Medical Congress were considered, and two of these were outlined for presentation at the meeting of the Association, should the wisdom of such a step seem probable.

A committee, composed of Drs. Roberts, Mills and Thomson, was appointed to represent the Delegation before the Judicial Council.

On the evening of May 3d a meeting of the Delegation was held at the Lindell Hotel, St. Louis. It was found that but ten of the delegates would be in attendance upon the meeting of the Association, namely, Drs. John B. Roberts, R. M. Girvin, L. D. Judd, Chas. K. Mills, W. Joseph Hearn, J. M. Barton, L. Webster Fox, Edw. Jackson, S. R. Knight and W. T. Taylor, and that the last two declined to take any part in the proceedings of the Delegation.

The committee appointed to represent the Delegation before the Judicial Council was increased, so as to consist of Drs. Roberts, Mills, Barton, Girvin and Jackson.

Upon offering their credentials to the registration clerks, the Delegates were refused registration as Delegates from the Philadelphia County Medical Society. They were informed that the ground for such refusal was a protest filed against their admission. Asking as to the nature or origin of the protest, they were referred to the Judicial Council. On the morning of May 4th, the Association having met and organized, the Chairman of the Committee of Arrangements reported that there was a protest against the admission of the delegates from the Philadelphia County Society. This protest, with others of a similar nature, was at once referred to the Judicial Council. The committee appointed for the purpose immediately put itself in communication with the officers of the Council. It was ascertained that the Council would meet at 2 P.M., at which time the following communication was laid before it:—

ST. LOUIS, May 4, 1886.

Judicial Council, American Medical Association:—

GENTLEMEN:—The Committee on Credentials of the Delegation from the Philadelphia County Medical Society respectfully requests information as to the nature of the protest upon which it has been excluded from participation in the proceedings of the Thirty-seventh Annual Session of the American Medical Association.

Very Respectfully,

JOHN B. ROBERTS,

Chairman.

This moderate and reasonable request was not granted, the following being the reply of the Council:—

May 4, 1886.

DEAR SIR:—The Judicial Council will meet to-morrow, at 9 A.M., in their room at the Exposition Building, and would then desire to see you and ask a few questions in relation to the protest this noon received. By order of the Council.

Respectfully yours,

J. K. BARTLETT,

Sec. J. C.

At the appointed hour the Committee of your Delegation was in attendance at the door of the Council Chamber. Here they waited a considerable time, during which a member of this Society was closeted with the Council. At length they were shown what pur-

ported to be the protest on which they had been refused registration. It covered a half-sheet of foolscap paper, and consisted of certain loose, indefinite charges—that the election at which your delegates had been chosen was a “disputed election,” that the substituted ticket was of a “different color from the original ticket,” and that the meeting at which the election was held had been disorderly. There was absolutely no specification of any portion of the Constitution or Laws of the Philadelphia County Medical Society, or of the American Medical Association, or of any ordinary parliamentary law or usage, as having been violated in such meeting or election.*

Furthermore, this remarkable document was, evidently, but a fragment, and was entirely destitute of signatures. No opportunity was allowed for copying it, and a few minutes after it had been submitted to their inspection, the committee was called upon—not to meet it and show what flimsy pretext it was, but to answer “a few questions in relation to” it. But one member of the Committee was allowed to testify. Dr. John B. Roberts was selected, and at once went before the Council. After protesting against the exclusion of the other members of the Committee, he offered the following disclaimer:—

“ST. LOUIS, MO., May 5th, 1886.

“The delegates from the Philadelphia County Medical Society to the Thirty-seventh Annual Session of the American Medical Association do not acknowledge the right of the Association to interpret the by-laws of said Society in regard to the election of delegates; and having presented credentials duly signed by the proper officer of the Society and sealed with its seal, believe themselves entitled to seats in the meeting, unless the standing of the Philadelphia County Medical Society or the genuineness of the credentials is questioned.

“Nevertheless, the said delegates are willing to furnish the Association or its Judicial Council with full particulars as to the facts pertaining to the annual election of January, 1886.”

*Of the protest as a whole, it will be seen, this is not true. It should be noted, however, that the specific allegation of a violation of the By-Laws of the Philadelphia County Medical Society occurs at the close of the last sentence of the protest. The latter part of this sentence was written, with the signatures, on a piece of paper which was not shown the committee at St. Louis, and the committee had no means of knowing its purport. If in any other way our recollection of the protest, based on the very brief inspection of it which was permitted, has done it injustice, we hope its publication in full will make ample amendment.

This the Council refused to hear, insisting that Dr. Roberts should say nothing except in answer to the questions asked him by its members.

After consultation with his Committee, Dr. Roberts stated that he merely wished the position taken by the Delegation to be correctly understood; and that he was perfectly willing to answer all questions, if the fact were noted that he had first asked an opportunity to state this position.

Dr. Roberts was then examined by the President and other members of the Judicial Council as to such points as had been suggested by the "protest" and the testimony that had been given before them in its support. After this Dr. Roberts again asked to be permitted to state his case in his own way. He was now granted just five minutes for this purpose. He made such a statement as the time permitted, then formally requested that other members of the Committee be allowed to testify. This was refused. The Committee was informed that the Council would have no further need of its attendance, but would proceed to render its decision, which would be announced in the General Meeting of the Association.

The members of the Committee then went into the General Meeting and waited until it closed, but the decision of the Council was not announced. Immediately after this, however, Dr. Roberts met a member of the Judicial Council, Dr. H. O. Marey, who told him that the Council had decided in favor of the admission of the delegates from the Philadelphia County Medical Society, and that the decision had been handed to President Brodie, to be read at the conclusion of the address of Dr. Senn, Chairman of the Section of Anatomy and Surgery, about the middle of the General Meeting which had just concluded. Subsequently, it was ascertained that the presence and nature of the communication from the Judicial Council had been known to the officers of the Association prior to adjournment. The members of our Delegation were now informed of the decision of the Council, and they were permitted to register, and all did register as delegates from the Philadelphia County Medical Society to the American Medical Association.

Thursday morning, in the general session of the third day of the meeting, after a report not on the order of the day, had been presented by Dr. Gihon, and acted upon, Dr. Jackson obtained the floor and called for the report of the Judicial Council as to the admission of the delegates from the Philadelphia County Medical Society, which, he was informed, lay upon the Secretary's table,

supporting his call by reference to Art. XI of the By-Laws of the Association, which says: "The decisions of said Council on all matters referred to it by the Association shall be final, and shall be reported to the Association at the earliest practicable moment." The President replied that the report and all papers pertaining to it had been returned to the Judicial Council for further consideration.

Dr. Roberts then said: "Mr. President, I request that the Permanent Secretary state at this time why the Report of the Judicial Council in the matter of the Philadelphia County Medical Society was not presented yesterday, as I have information that it lay upon his table previous to adjournment."

The President ruled Dr. Roberts out of order, as no motion was before the Association; and stated again that the report was now in the hands of the Judicial Council.

The Report of a Special Committee on Cremation was then read and acted on.

Dr. Roberts then offered the following resolution:—

"*Resolved*, That the Permanent Secretary be instructed to inform the Association at this moment why the Report of the Judicial Council in the matter of the Philadelphia County Medical Society, which lay upon his table yesterday, was not reported to the Association previous to adjournment."

The chair ruled the resolution out of order, because not on the order of the day.

Dr. Roberts appealed from the decision of the Chair. The Chair stated the grounds for its decision, but without permitting Dr. Roberts to state the grounds for his appeal, the question was put and the Chair sustained. The order of the day, the Address of the Chairman of the Section on Practice of Medicine, etc., was called. But before Dr. Whittaker could come forward, Dr. Toner advanced and offered a resolution, to take the Report of the Judicial Council with reference to the delegates of the Philadelphia County Medical Society from the Secretary's table and refer it back to the Council for the hearing of further evidence, and directing all parties interested to proceed immediately to the rooms of the Judicial Council. This resolution was not on the order of the day, but the Chair (President Brodie) entertained it, put it, and declared it carried. And thus, after the report seating the Delegates from this Society had, with the knowledge and consent of the Officers of the Association, lain for one-fourth of the time of the entire annual meeting on the Secretary's table, in spite of the call for its reading, and in direct violation of the By-Laws of the Association, it

was returned to the Judicial Council, that those whom you refused to make your delegates might have one more chance to keep you from being represented in the Thirty-Seventh Annual Meeting of the Association.

The Committee hastened to again collect the evidence upon which they wished to establish their case; again they were not permitted to present it. They were not informed as to the additional evidence against them, they were not permitted to make any statement.

As additional witnesses had been allowed to appear against the Delegation, two of its members, Drs. Roberts and Jackson, were permitted to testify. But they were only allowed to answer categorically certain questions asked them, as to the existence of disorder in the meeting at which the election was held, and as to the presentation of any protest against that election to this Society. They were then dismissed.

On Friday morning, soon after the opening of the session, Dr. Mills moved to suspend the order of business for the purpose of hearing the Report of the Judicial Council, and other important business. The motion was put and lost. At length, within an hour of the closing of the last session of the annual meeting, a report from the Judicial Council, containing the following remarkable decision, was read:—

“In the case of the protest against the registration of the delegates from the Philadelphia County Medical Society, which, upon petition, was reopened to admit new testimony, after a long and careful reëxamination, including evidence not before presented, the Judicial Council decide that, notwithstanding the fact that said delegates hold documents usually entitling to registration, it also appeared in evidence that the methods employed at their election were of such an irregular character as to compel their rejection as delegates by the Council. The Council would also suggest the return of any dues which may have been paid to the Treasurer by said delegates. The Council also refers the protest and all the papers accompanying it to the Philadelphia County Medical Society for adjudication.”

Dr. Jackson rose to a question of privilege, and requested an exact definition of the status of the delegates from the Philadelphia County Medical Society in the present meeting of the Association. There was no ambiguity as to what the action of that Society had been in the past; and until it had time to again consider the

questions arising in connection with their election, would the past decision of the Society be accepted? Would they be considered members of the Association or not?

The President replied that the report of the Judicial Council settled all that.

Finally, under the head of Miscellaneous Business, Dr. Roberts, as a delegate from the Medical Society of the State of Pennsylvania, was able to get before the house the following resolutions, Dr. Mills, also, as delegate from the Medical Society of the State of Pennsylvania, seconding them :—

Resolved, That President Brodie be respectfully requested to inform the meeting, at this moment—

First. Whether the report of the Judicial Council in the matter of the Philadelphia County Medical Society was given to the Chair by a member of the Council (Dr. Marcy) on Wednesday, with the request that it be presented to the Association at the conclusion of Dr. Senn's Address.

Second. If so, did the President or Permanent Secretary make an effort to present it at that time?

Third. Did the President or Permanent Secretary know the contents of the report of the Judicial Council?

Fourth. Do the by-laws of the Association, on page 26, require the decisions of the Judicial Council to be reported to the Association at the earliest practicable moment, and are such decisions there declared to be final, and unchangeable by any action of the Association?

Fifth. Did the Permanent Secretary introduce any items of new or miscellaneous business between the report of the Rush Monument Committee and adjournment?

Sixth. Did he, at that time, make any effort, by public statement, to read the report of the Judicial Council?

Seventh. Has the Permanent Secretary, at previous meetings, ever requested that the motion to adjourn be postponed a single moment, until a matter of important business, requiring no action, be introduced?

Eighth. Did the Permanent Secretary, at this time, make any such request, and if not, was it not his duty to do so, under By-law II, page 26?

Resolved, That President Brodie be respectfully requested to inform the Association, at this moment—

First. Whether the report made yesterday by Dr. Gihon, on the recommendations contained in the President's Address, was on the order of the day.

Second. Why Dr. Roberts' request, that the Permanent Secretary state why the report of the Judicial Council was not read yesterday, was not answered.

Third. Under what parliamentary law was the motion of Dr. Roberts, asking information as to why the Permanent Secretary had not read the report of the Judicial Council on the previous day, ruled out of order, because.

not a part of the order of the day, when, immediately afterward, Dr. Toner was allowed to introduce a motion and obtain a vote relative to the Judicial Council, though this was not a part of the order of the day?

Fourth. Why Dr. Toner's motion, asking that the report of the Judicial Council be returned to the Judicial Council, was necessary, when the Chair had stated, in reply to Dr. Jackson, that it could not be presented by the Permanent Secretary of the Association, because it was in the hands of the Judicial Council.

Fifth. What is the status of the delegates of the Philadelphia County Medical Society at the present time, when, as is well known to the Association, their credentials and fees have been received by the Treasurer, and proper papers, entitling them to seats in the Association, have been duly issued to them?

Resolved, That the Judicial Council be respectfully requested to consider the propriety of changing the manner of taking evidence in cases of contestant delegations.

Dr. J. A. Oeterlony, of Kentucky, moved that the resolutions just read be laid upon the table. Carried.

A motion to reconsider this motion was defeated, President Brodie not seeming to welcome the opportunity for making an explanation.

Shortly after this, Dr. Roberts obtained the floor, and presented the following:—

ST. LOUIS, MO., May 7, 1886.

To the American Medical Association:—

GENTLEMEN:—I have recently been honored, in the Section on Anatomy and Surgery, by an unsought and unexpected election as nominee for Secretary of the Section, for 1887, and have been elected to that office by the vote of the Association in general meeting.

In view of the fact that the Philadelphia County Medical Society, from which I have the honor of coming as a delegate, has been denied representation in this Thirty-seventh Annual Session, I desire, although also a delegate from the State Society of Pennsylvania and a permanent member, most respectfully and courteously to present my resignation as Secretary of the Section on Anatomy and Surgery.

Your Obedient Servant,

JOHN B. ROBERTS.

On motion, this resignation was accepted. Then Dr. A. E. Baldwin, of Chicago moved, that as certain resolutions offered by Dr. Roberts were of a character which cast a reflection on the conduct of our excellent President and Permanent Secretary, therefore,

that all allusion to said resolutions be expunged from the minutes of the Association. The motion was carried.

Dr. Jackson, as a permanent member, then presented the following protest:—

We, as regularly-accredited delegates of the Philadelphia County Medical Society to the American Medical Association, desire, most earnestly, to protest against the action of the Judicial Council, by which one of the oldest and largest County Medical Societies in affiliation with the Association—one which has never violated its code of ethics or its laws—has been denied representation in the Thirty-seventh Annual Meeting of the Association.

JOHN B. ROBERTS,	CHAS. K. MILLS,
EDWARD JACKSON,	L. D. JUDD,
W. JOSEPH HEARN,	R. M. GIRVIN.

The protest was laid on the table.

Since the close of the meeting, your delegates have requested of the Permanent Secretary of the Association that the "protest" against our admission, and the accompanying papers, might be forwarded to this Society, in accordance with the decision of the Judicial Council, without delay; so that they could come before the present meeting, to be considered in connection with this report. Not knowing upon what supposed basis of law and facts the protest is founded, we are, of course, yet unprepared to meet it. But the facts, and the law relating to the election of delegates at the meeting in January last, may be briefly outlined thus:—

In accordance with its By-laws, this Society appointed a nominating committee last June, which submitted its report in October. This report was received, and, in accordance with the said By-laws, remained to be acted upon at the January meeting. At the January meeting the report was amended, and the amended report was adopted by a ballot, in which the candidates therein named received about 170 votes, against 36 for their opponents. The report of the tellers who took the ballot was duly received and adopted.

The first question of law raised by these proceedings is, Was it competent for the Society to amend the report of its nominating committee? Precedent for such action might be found in the history of almost every organization that has a nominating committee. We will only here introduce the opinions of two most eminent authorities on parliamentary law, transmitted to the temporary chairman of the delegation, Dr. Wm. Pepper.

Col. A. K. McClure writes thus:—

April 1, 1886.

WM. PEPPER, M.D.:—

DEAR SIR:—The action of the Philadelphia Medical Society, amending report of nominating committee, was strictly within settled parliamentary rules. The report of any committee is always under the control of the majority of the body it represents, and it can be recommitted with instructions (which must be obeyed), or amended, in part, or by entire substitution. Otherwise, a committee with accidental power could certainly control the majority, and that is never allowable by any known parliamentary law.

Very truly yours,

A. K. MCCLURE.

Another authority on parliamentary law, the one which, probably, stands highest in the estimation of the American Medical Association, says:—

DR. WM. PEPPER:—Any report of a committee to the body that created it may be recommitted, with or without instructions, amended, postponed or rejected by the body.

SAM. J. RANDALL.

It has been alleged by some that the opening phrase of Section 2, Art. V, of our By-laws, viz: "Nominations for officers and delegates shall be made at the Stated Meeting in October," was intended to convey, in addition to its obvious affirmation, a prohibitive meaning, making nominations at any other time illegal. And further, that no one who had not been named by the Nominating Committee at the October meeting could be elected to serve as a delegate to the American Medical Association, or the Medical Society of the State of Pennsylvania. Let us see how such a position bears examination. First, what was the intention of those who framed the By-Laws? Any careful comparison of the By-Laws of our County Society and those of the College of Physicians shows that the one has been to some extent modeled upon the other. Where both were to accomplish the same object, they often employ the same phraseology. Where the purposes are different, different phrases are introduced. The By-Laws of the College of Physicians direct affirmatively: "The officers of the College * * * shall be nominated on the first Wednesday in December of each year, and elected annually, by ballot, on the first Wednesday in January."

So much for the affirmative statement. But the College of Physicians really desired to prevent the choice of officers in any other manner, and to do this it had to introduce the following: "but no Fellow shall be eligible to any office * * * who has not been duly nominated at a stated meeting previous to that at which the election is held." The County Medical Society never designed to so restrict its action, and no similar prohibitory clause is to be found in its By-Laws. But never yet was a code drawn which could be applied without some authoritative interpretation. Because of the varying and indefinite significance of words and phrases, questions continually arise where the true meaning of the law must be fixed by some recognized authority. In our Society, as in all others of its kind, this authority is the Chair when supported in its decision by a majority of the members present. Thus, and only thus, is it to be finally decided what is orderly and what is not. And if the question had never been raised before, when the Chair, at the January stated meeting, ruled that the substitution of a new ticket was in order, and that the substituted ticket was fully eligible for election, and the meeting sustained the decision; it was decided as fully as our By-Laws and all parliamentary usages could ever decide any question. And it became the duty of all loyal members of the Society to submit to that decision.

But the question had already been decided by a long line of unvarying precedents. Let us look at these. We all know that it is the custom, either at the time of their election or subsequently, to empower somebody to fill vacancies occurring in our delegations. Here is a quotation from the minutes of the meeting held April 20th, 1881: "On motion, the delegates to the American Medical Association and to the State Medical Society were authorized to fill vacancies occurring in their respective organizations without referring them to the Society." Now, it happened that this particular year the delegates elected in January comprised all those who were nominated in October. Such being the case, vacancies could only be filled by members who had neither been nominated in October nor by the nominating committee. Vacancies of the kind have been so filled, and the delegates so elected have been admitted as delegates to the American Medical Association and the State Medical Society, we believe, every year since our present By-Laws were adopted. Certainly this was the case for the first five years after their adoption. And such a method of choosing delegates has never been questioned. Now, we cannot suppose that

any member in this Society will, for one instant, claim that this Society can empower its President, its Secretary, its Delegations or anybody else, to do that which, under its laws, it cannot do itself. If, at its January meeting, or its April meeting, it could empower somebody else to elect as delegates those who had not been named by the nominating committee at the October meeting; if it could empower certain of its members to do this, it had the power of itself so choosing delegates in its stated meeting by regular formal ballot. Until January last, such a power was universally admitted; such action was on all hands admitted regular. No one hesitated to accept credentials obtained in this way. As evidence of the truth of the statement, let us call your attention to the fact, that only last year, upon such credentials, there sat as delegates to the State Society at Scranton, Drs. Henry H. Smith and John V. Shoemaker. And that upon such credentials Dr. John V. Shoemaker first obtained access to the American Medical Association. If more evidence upon this point be wanted it is readily found.

In 1884, at the January meeting, by vote of the Society, a name was added to the list of those nominated at the preceding stated meeting, and the person so nominated was declared elected, and attended the meeting of the State Medical Society as a delegate.

In 1883, at the January meeting, Dr. W. T. Taylor was elected Censor, although he had not been nominated at the previous stated meeting.

And again, at the April meeting, Dr. Chas. K. Mills was both nominated and elected Censor.

In 1881, at the January meeting, on motion of Dr. Welch, the Secretary was instructed to cast the vote of the Society for Dr. F. Woodbury as Reporting Secretary, no nomination having been made in October.

Many other similar instances are found on the minutes of the Society. We will mention but one, which occurred in January, 1880.

Delegates had been regularly nominated in the preceding October stated meeting, and at this meeting "the Recording Secretary was, upon motion, directed to cast one ballot for" these delegates. "After the passage of the foregoing motion, there was a prolonged discussion as to the propriety of permanent members of the State Medical Society and the American Medical Association being sent as delegates to these Societies.

“Dr. Nebinger offered the following, which prevailed:—

“*Resolved*, That the matter of the election of delegates to the American Medical Association and the State Medical Society be referred to the Nominating Committee, and that when the Society adjourns, it adjourn to meet on Wednesday evening next, at 7½ o'clock, to hear the report of the Committee: and that the Committee shall report as candidates only such members as are not permanent members of the American Medical Association and the State Society.”

And in pursuance with this resolution a meeting was held one week later; the Nominating Committee reported a new list of candidates; these were elected, and, it need scarcely be said, were admitted to the American Medical Association and State Society, without protest. At neither of these meetings was the slightest hint offered that any one considered such a course of procedure either irregular or doubtful; and on both occasions the guardian of the good order of the Society, the Chairman, was our respected fellow-member, Dr. Henry H. Smith.

So much for the constitutional aspect of the election held last January. Of the order at that meeting you know as much as we do. Undoubtedly there was some disorder; there was applause and some hissing; but that the disorder was greater than may often be seen in similar bodies at times of excitement, we think can be successfully denied. If such disorder invalidated the action of a deliberative body, we fear that dark confusion and doubt, if not certain illegality, would settle upon the labors of our State and National Legislatures. The meeting was regularly called, and regularly held, at the proper time and place; the Chair promptly regained control after each expression of favor or disfavor or confusion of speakers; no member was excluded; and no one designated as not entitled to be present was permitted to remain.

In the face of such facts, how did the Judicial Council arrive at their decision refusing us admission? This is really a question of more than local or temporary interest. It involves that which threatens the future stability and usefulness of the American Medical Association. The Council never allowed our case to be presented. The five minutes' presentation of the case by Dr. Roberts doubtless secured the original decision in our favor. But at the rehearing we were permitted to make no statement whatever, and at that rehearing there were one or more members of the Council present who had not heard even that five minutes' statement of our case. We have no desire to charge the Council with conscious injustice.

But our case was tried in an atmosphere heavy with prejudice against us, without those safeguards which human experience has shown are necessary to secure justice from an impartial court. Without opportunity to confront our accusers, to criticise their statements, or to present our own, we did what we could, but were powerless to avert the wrong. Nothing could be further from our purpose than to offer a menace, but this truth may as well be spoken and faced, that the methods of the secret inquisition and the star chamber will not to-day be tolerated by free men; and that a voluntary association which resorts to them to dispense justice, or to suppress the voice of a minority, enters upon a road that runs swiftly down to ruin. We do not believe the members of the American Medical Association desire to enter upon such a course. We can wait patiently, hoping that they will see the mistake that has been made, and regret the injustice that has been done.

It remains to be mentioned that, contrary to common report, so far as we know, the members of this Society who were present at St. Louis, and opposed our admission as delegates, made no formal claim themselves to constitute a rival delegation. They, of course, knew the utter groundlessness of such a claim; but a report to the effect that it had been made, certainly obtained very general credence. They, of course, obtained no standing in the meeting of the Association, except as permanent members or members by application, or delegates from the State Society.

We were, of course, debarred from presenting, as a delegation, the action of this Society with reference to the organization of the Ninth International Medical Congress. We could, as individuals, have done this. But understanding the honest desire of this Society was for real harmony in the profession, and judging that the introduction of your resolutions would not conduce to it, we made no attempt to accomplish it.

EDWARD JACKSON,
Acting Secretary.

CHAS. K. MILLS.
W. JOSEPH HEARN.
JAMES MORRIS BARTON.

JOHN B. ROBERTS,
Acting Chairman.

L. WEBSTER FOX.
L. D. JUDD.
R. M. GIRVIN.

DR. D. HAYES AGNEW offered the following resolutions, which were adopted :—

Resolved, That the Philadelphia County Medical Society has learned with surprise of the action of the American Medical Association at St. Louis, in excluding the duly elected delegates from this Society.

Resolved, That, as the subject has been referred back to this Society for final action, the legality of said election is hereby reaffirmed, and that, while it would be perfectly right for the delegates to vindicate the validity of their election by a resort to legal measures, yet, in the interest of peace, such action is not urged.

Resolved, That in excluding the delegates from this Society, the Judicial Council has violated the plain rules of evidence and of justice.

APPENDIX.

Since the special meeting of the Philadelphia County Medical Society to hear the report of its delegates to the American Medical Association the Protest upon which such delegates were excluded from the meeting of the Association has been received from the Secretary of the Judicial Council. It is appended below, in full. It was accompanied by the following papers which had been offered as evidence to the Council :—

1. Copy of the notice of the January stated meeting, marked "Regular ticket, A."

2. Copy of the circular, and the ticket it was proposed to substitute at that meeting, marked "Irregular ticket, B."

3. Copies of a circular issued prior to the April stated meeting, and of the official notice of such meeting, marked "Second attempt," and "Additional."

4. Editorials from the *Medical Bulletin*, for January, 1886; one of which containing a letter from Dr. Roberts to a fellow-member of the Society, is marked "Letter calling the meeting, privately circulated."

5. Reprint of an anonymous communication to the editor of the *College and Clinical Record*, headed "A Medical Coup d'Etat in Philadelphia."

6. History of the manner in which the tellers made their report to the Society, in a letter to Dr. M. O'Hara, by the Recording Secretary, with notes of disagreement by the latter, marked "Official Report of the Election returns, made when no quorum was present, and at a conversational instead of a stated meeting."

No petition for the re-opening of the case or indication of the nature of the new evidence upon which the Judicial Council reversed its decision, was included among the papers.

THE PROTEST.

To the American Medical Association :—

We, the undersigned, protest against the election of delegates held by our Philadelphia County Medical Society on January 6th, 1886, as it is a disputed election.

Because (1st)—

Two of the delegates said to be elected were ineligible, by non-payment of dues.

Two were ineligible, as they were not members of the Society.

2d—

The election of delegates is always made by appointing a nominating committee to choose delegates. The delegates of ticket (A) were honestly and fairly nominated, with the desire to represent the different views of the Society in regard to the International Congress.

Their report was, as usual, received in October.

At the meeting of January 6th, 1886, instead of an open criticism of the ticket, and such changes of it as the Society thought proper, a new ticket, on tinted paper (privately circulated), was presented and elected without general previous notification. We hereby protest against this action, and consider the election of January 6th, 1886, invalid by our Constitution and By-Laws, which, on page 8, Article V, Section 2, says—

SECTION II. Nominations for officers and delegates shall be made at the stated meeting in October, and no member put in nomination who is in arrears for the annual contribution for the current year; and on page 19, Article XII, Section 4, of the same By-Laws says: At the stated meeting in October the nominating committee shall present a ticket of candidates for election to the different delegations of the Society.

We respectfully protest against the admission of those claiming to be delegates on the ticket on tinted paper marked (B), to the American Medical Association, purporting to have been elected at

the annual meeting of January 6th, 1886, and only nominated on that evening, on the grounds that the said nomination and election were illegal and in direct violation of the By-Laws of the Philadelphia County Medical Society.

HORACE Y. EVANS.
WM. H. PANCOAST.
L. K. BALDWIN.
W. M. WELCH.
WM. T. TAYLOR.
WILLIAM S. JANNEY.
A. NEBINGER.
HENRY H. SMITH.
W. B. ATKINSON.
WILLIAM F. WAUGH.
PETER D. KEYSER.
FRANK FISHER.
MICHAEL O'HARA, M. D.
W. M. McALARNEY.
RICH. J. DUNGLISON.
JAMES COLLINS.
ALBERT FRICKE.
BENJ. LEE.
B. F. McELROY.
HENRY LEFFMANN.
J. V. KELLY.
J. J. MOYLAN
F. X. O'NEILL.
J. V. SHOEMAKER.
N. HICKMAN.
JOHN D. MERCUR.
CHAS. E. SAJOUS.
F. S. ISETT.

E. B. SHAPLEIGH.
L. OTT.
S. B. McDOWELL.
E. STANLEY PERKINS.
A. GRAHAM REED.
C. McCLELLAND.
JOS. D. SCHOALES.
J. P. REYNOLDS.
S. R. KNIGHT.
A. K. MINICH.
E. F. APELDORN.
WM. N. FERGUSON.
J. H. W. CHESTNUT.
A. H. HULSHIZER.
THOS. B. MCBRIDE.
I. P. STRITTMATTER.
ROBERT B. CRUICE.
JOHN J. O'NEILL.
JAMES CUMMISKEY.
JOHN J. ALEXANDER.
EUGENE P. BERNARDY.
ROBERT KILDUFFE.
D. J. TREACY.
D. N. CONNER.
L. S. CLARK.
F. B. HAZEL.
J. D. NASH.
W. C. HOLLOPETER.

Of the above signers, one was elected at the January Stated Meeting, and joined the society a month later, one was elected at the April Stated Meeting, and has not joined the society yet; and three others are in no way connected with the Philadelphia County Medical Society.